



Washington State
Department of Health
Podiatric Medical Board
Meeting Minutes
July 17, 2008

The meeting of the Washington State Podiatric Medical Board was called to order by David Bernstein, DPM, Chair, at 9:10 a.m. The meeting was held at the Radisson Hotel Gateway, 18118 International Blvd, Seattle, Washington 98188.

Board Members

Participating:

David Bernstein, DPM, Chair
Stewart Brim, DPM, Vice Chair
James Porter, DPM
Rex Nilson, DPM
Amy Wong, Public Member

Staff Participating:

Blake Maresh, Executive Director
Arlene Robertson, Program Manager
Dori Jaffe, Assistant Attorney General
Judy Young, Staff Attorney

Public Attendees:

Susan Scanlan, DPM, Executive Director,
Washington State Podiatric Medical
Association

OPEN SESSION

1. Call to Order

1.1 Approval of Agenda

The agenda was amended to include the following issues:

4.1.1 U of W Online Library Fee

4.1.2 New fee schedule

4.3 Establish 2009 meeting dates

1.2 Approval of Minutes - April 24, 2008

The minutes of the April 24, 2008 meeting were approved as submitted.

1.3 Approval of Conference Call Minutes May 15, 2008

The minutes of the May 15, 2008 conference call were approved as written.

1.4 Approval of Conference Call Minutes - June 5, 2008

The minutes of the June 5, 2008 conference call were approved as written.

1.5 Approval of Conference Call Minutes - June 26, 2008

The minutes of the June 26, 2008 conference call were approved as written.

2. Review revised draft policy Infection Control - P095-14
Review final language for approval.

ISSUE

After considering updated information about transmission of new strains of infections, the Podiatric Medical Board recently adopted changes to its HIV/HBV guidelines to reference "infection control" so new infectious diseases and new treatments are included in the guidelines.

ACTION

The Board reviewed its 1993 policy as modified to refer podiatric physicians to the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), Infection Control Guidelines. This change will encourage consistency for treating infectious diseases among all health care providers.

The CDC has conducted research and developed a collection of guidelines which pertain to keeping patients and healthcare workers in health care settings protected from infectious diseases. The Infection Control Guidelines are a common resource for healthcare providers throughout the country.

3. Rules

- 3.1 Amending definitions and establishing standards for prescribing orthotic devices
 - 3.1.1 WAC 246-922-010 Definitions - Draft Revisions
7-08-08
 - 3.1.2 WAC 246-922-XXX Orthotic Prescription - DRAFT
7-08-08

ISSUE

The Board reviewed drafts of the proposed changes to WAC 246-922-010 and the orthotic prescription rule. In order to give a different perspective on the issues, staff used the question and answer format for the orthotic prescription rule.

ACTION

The drafts were reviewed and several suggestions were made for clarification of the answers in the orthotic prescription rule. Staff will also make sure the questions are specifically answered. Staff will send the changes to Dr. Bernstein prior to forwarding them to the other board members. It is anticipated this draft will be sent out to the Listserv and other professions for input.

- 3.2 Office-based Surgery - Administration of Sedation and Anesthesia, including necessary training and equipment requirements.
 - 3.2.1 Ambulatory Surgical Facilities draft
 - 3.2.2 Office Based Surgery Standards for Professional Conduct Medical Quality Assurance Commission (MQAC) draft - May 28, 2008
 - 3.2.3 Generic draft re: use of sedation in office based surgery

ISSUE

The Board reviewed the draft language for the Ambulatory Surgical Facilities and the MQAC standards for office based surgery. These documents are still in development.

ACTION

The Board tabled a final decision until they have reviewed the final drafts by MQAC and the Osteopathic Board. Staff will bring those for review when they are available. Dr. Scanlan indicated WSPMA felt the MQAC draft could be adapted to the podiatric profession.

The Association would encourage the three professions' rules be similar so surgical practice will be consistent in all practice settings.

- 4. Program Manager Reports
 - 4.1 Budget Report - July 2008
 - 4.1.1 U of W Online Library Fee
 - 4.1.2 New fee schedule

The new fees were shared with the Board. Mr. Maresh shared information on the UW on-line library, HEAL- WA, which will be provided as a result of the access fee. Mr. Maresh indicated the UW is developing the ability for health care practitioners to access the on-line library. All licensees will be provided the information as soon as it is available.

The Board discussed the fee increases. The Board indicated there should be more input from the profession before fees are raised. Mr. Maresh advised that he will be working to get better information in the future.

Ms. Robertson reported that the Board's budget is still within the anticipated expenditure levels.

4.2 Signature Delegation Authority ISSUE

Due to staffing changes, the Board was asked to consider updating its delegation of signature authority.

ACTION

The approval of routine licensing applications was discussed. Approval will remain with the Program Manager and Licensing Program Manager. The individual who approves applications needs to have an extensive knowledge of the requirements for licensure which includes the changes in names of the podiatric schools; history of post-graduate training programs and verification of training from programs that have closed; and variations in examinations throughout the years. The individual should also be familiar with Board rules and policies. The Board will still review all non-routine applications.

Signature authority for other matters, i.e., disciplinary documents, subpoenas, rules, etc. will be unchanged with the exception of removal of the Deputy Executive Director.

4.3 Establish 2009 meeting dates

The following dates were proposed for 2009:

January 21

April 16

July 9

October 28

Since this issue was not on the agenda, the Board will act on the proposed dates at the October 30, 2008 meeting.

5. Executive Director Reports

5.1 Department/Division Updates

Mr. Maresh provided updates on the HSQA reorganization. He noted the Medical and Nursing pilots started on July 1st. He has retained the programs that are not under the Medical Commission's authority from Section 5 and gained the programs that are not part of the Nursing Commission. It is likely some other professions may also be assigned to him.

Mr. Maresh indicated he has been working on a replacement for Ms. Robertson. It is anticipated an appointment will be made so Ms. Robertson can provide some training before leaving. Other support staffing is also being pursued.

6. Legislation Topics/Issues

Mr. Maresh reported he had proposed increases to cost recovery and fines to the Department for consideration as a legislative proposal. Although he was not successful in getting the Department to sponsor the legislation, other professions have shown interest in pursuing the issue. He will continue to work with other professions who may also be interested in increasing the ability to recover more of the costs of disciplinary cases from those who are committing the violations.

7. Board Member Updates

7.1 Stewart Brim, DPM - Feedback from fee letter to Secretary Selecky

ISSUE

The letter sent to Secretary Selecky by Dr. Brim on behalf of the Board expressing concerns about the fee increases and justification for such large increases was reviewed. The Board would like to be advised of fee increases prior to any

final decision being made and receive information which justifies the increases.

A response was received from Karen Jensen, Acting Assistant Secretary, explaining the recent history of the fee reductions and increases. The 2005-2007 biennium saw an increase in the number of complaints and actions. Court rulings and mandated legislative requirements have also contributed to additional costs for the programs.

ACTION

The Board will continue to monitor the budget closely.

7.2 David Bernstein, DPM - Sanction Guidelines Workgroup

Dr. Bernstein reported he had participated in one of the Sanction Guidelines Workgroup sessions. It is anticipated the next meeting will include a draft so the workgroup can develop the final recommendations.

8. (Open Session) Settlement Presentations
(Presentations are contingent upon agreements being reached between the parties prior to a board meeting.)
Decisions are made in Executive Session.

8.1 John H. Brunsman, DPM - Docket No. 07-05-A-1018PO
Stipulated Findings of Fact, Conclusions of Law and Agreed Order - Presented by Judy Young, Staff Attorney

Judy Young, Staff Attorney, presented the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, Docket No. 07-05-A-1018PO, for John Brunsman, DPM. As reviewing board member, Dr. Bernstein was recused from the decision making process.

Deliberations were held in Executive Session. The respondent will be advised of the Board's decision by mail.

CLOSED SESSION

9. Stipulation to Informal Disposition Presentations
(Scheduled as needed.) Decisions are made in Executive Session.

There were no Informal Dispositions for presentation.

10. Investigative Authorizations

There were no reports for authorization.

11. Disciplinary Case Reviews - Reviewing Board Member Reports

<u>CASE NUMBER</u>	<u>CASE DISPOSITION</u>
2007-11-0008PO	Closed no cause for action; risk minimal and not likely to reoccur
2007-9090	
2008-124964	Closed no cause for action; unable to pursue without a whistleblower release.

12. Application Review

There were no applications for review.

13. Executive Session - Personnel Matters

Mr. Maresh briefed the Board on the plan and timelines for filling Ms. Robertson's position so the new Program Manager will have some training time before she leaves.

Respectfully Submitted,

Arlene Robertson
Program Manager

NOTE: PLEASE VISIT THE PODIATRIC MEDICAL BOARD'S WEB SITE FOR FUTURE AGENDAS AND MINUTES. WWW.DOH.WA.GOV, GO TO LICENSING AND CERTIFICATION AND YOU WILL FIND A LIST OF THE HEALTH PROFESSIONS, GO TO PODIATRIC PHYSICIANS FOR AGENDAS AND MINUTES.

